

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:13-cr-139 (4)

CHIEF JUDGE EDMUND A. SARGUS, JR.

FREDI HUERTA-TAPIA,

Defendant.

**OPINION AND ORDER**

This matter is before the Court on Defendant Fredi Huerta-Tapia's Motion to Request Judicial Removal (ECF No. 160). In his Motion, Defendant asks the Court to order his removal from the United States under 8 U.S.C. § 1228(c), which states, in relevant part:

Notwithstanding any other provision of this chapter, a United States district court shall have jurisdiction to enter a judicial order of removal *at the time of sentencing* against an alien who is deportable, *if such an order has been requested by the United States Attorney with the concurrence of the Commissioner* and if the court chooses to exercise such jurisdiction.

8 U.S.C. § 1228(c)(1) (emphasis added). The Court lacks authority to enter a judicial order of removal in this case. The Court has already sentenced Defendant. And the United States Attorney has not requested, with the concurrence of the Commissioner, that the Court enter a judicial order of removal. Accordingly, the Court **DENIES** Defendant's Motion (ECF No. 160).

**IT IS SO ORDERED.**

DATE

5-23-2018

EDMUND A. SARGUS, JR.

CHIEF UNITED STATES DISTRICT JUDGE